

APPLICATION

**PEDDLERS, SOLICITORS & TRANSIENT MERCHANTS
PER: CHAPTER IV, GREENWOOD CITY CODE**

DATE: _____

FULL NAME: _____

BIRTH DATE: _____

SOCIAL SECURITY # _____

PERMANENT ADDRESS: _____

TELEPHONE NUMBER: _____

TEMPORARY LOCATION (GREENWOOD) _____

DESCRIBE THE NATURE OF BUSINESS OR GOODS TO BE SOLD _____

LENGTH OF TIME LICENSE IS TO BE ISSUED FOR: _____

NAME & ADDRESS OF EMPLOYER: _____

If employer is corporation, the state of its incorporation, whether it is authorized to do business in Indiana and evidence that the corporation has designated a resident in the City upon whom legal service may be made and the corporation will be responsible for the acts of its employees in the City:

The last cities or villages not exceeding three where applicant carried on business immediately preceding date of application and the addresses from which such business conducted in those cities:

POLICE CHECK: _____

REPORTED BY OFFICER: _____

DATE: _____

§ 4-101 FEES, LICENSES, PERMITS, AND FRANCHISES § 4-102

Division VIII. Peddlers, Solicitors, Transient Merchants, and Street Vendors.⁹

Sec. 4-101 Definitions.¹⁰

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) **PEDDLER.** Any person who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers.

(b) **SOLICITOR.** Any person who goes from house to house, from place to place, or from street to street, soliciting or taking orders for sale of goods, wares or merchandise, including magazines, books, periodicals, or personal property, for future delivery, or for services to be performed in the future. Such definition includes any person who, for himself or another, leases, uses or occupies any building, vehicle, trailer, tent, railroad car, hotel room or other place in the City for the primary purpose of exhibiting samples and taking orders for future delivery.

(c) **TRANSIENT MERCHANT.** Any person who engages in a temporary business of selling and delivering goods, wares or merchandise within the City, and who in furtherance of such purpose leases, uses or occupies any building, vehicle, trailer, tent, railroad car, hotel room or other place in the City for the exhibition and sale of such goods, wares or merchandise. (*Code 1968, § 35.01; 1983 Greenwood Municipal Code, § 12-1*)

Sec. 4-102 License Required.

(a) No person shall engage in the business of peddler, solicitor, or transient merchant in the City without a license.

(b) An applicant for such a license shall file with the Clerk-Treasurer a sworn application in writing, which application shall give the following information:

(1) Name and physical description of applicant:

(2) Permanent home and local address of applicant: and in the case of solicitors or transient merchants, the local address from which proposed sales will be made:

⁹ I.C., 36-8-2-11, *et seq.*, addresses the authority to regulate peddlers, solicitors, etc.

¹⁰ I.C., 25-37-1-1 *et seq.*, address state transient merchant laws.

§ 4-102 FEES, LICENSES, PERMITS, AND FRANCHISES § 4-104

(3) A brief description of the nature of the business and the goods to be sold;

(4) The name and address of employer, if any;

(5) The length of time for which the right to do business is desired;

(6) If employer is a corporation, the state of its incorporation, whether it is authorized to do business in Indiana and evidence that the corporation has designated a resident agent in the City upon whom legal service may be made and that corporation will be responsible for the acts of its employees in the City;

(7) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance other than a traffic violation, the nature of the offense and the penalty imposed;

(8) The last municipalities, not exceeding three (3), where applicant carried on business immediately preceding date of application, and the addresses from which such business was conducted in those municipalities,

(c) Upon receipt, each application shall be referred to the Chief of Police who shall investigate the business and moral character of the applicant. If upon investigation the applicant's character is found unsatisfactory, no license shall be issued. (1983 Greenwood Municipal Code, § 12-2, (a)-(c))

Sec. 4-103 License Fee.

The fee for such a license is Ten Dollars (\$10.00) per day, or Fifty Dollars (\$50.00) per week. A bona fide resident of the City may obtain a license for six (6) months for Seventy-Five Dollars (\$75.00). (Code 1968, §§ 35.02(a), 35.03, 35.04, 35.06; 1983 Greenwood Municipal Code, § 12-2(d))

Non-residents may obtain a license for six (6) months for Seventy-Five Dollars (\$75.00) plus costs of investigation up to Twenty-Five dollars (\$25.00).

Sec. 4-104 Bond Required.

An applicant for a license under this Division shall file with the City a surety bond in the amount of Five Hundred Dollars (\$500.00), conditioned that the applicant shall comply fully with all ordinances of the City and statutes of Indiana regulating peddlers, solicitors and transient merchants, and guaranteeing to any resident of the City that all money paid as a down payment will be accounted for and applied according to the representations of the licensee and further guaranteeing to any resident of the City doing business with the licensee that the property purchased will be delivered according to the representations of the licensee. Action on such bond may be brought by the person aggrieved and for whose benefit, among others, the bond is given. (Code 1968, § 35.05; 1983 Greenwood Municipal Code, § 12-3)

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Division XII. Regulations Governing Peddling of Ice Cream From Motor Vehicles on City Streets.

Sec. 4-145 Compliance Required, License.

No person, partnership, corporation or business entity of any kind shall sell or offer for sale any ice cream, popsicles, ice sherbets or other frozen dessert products from a motor vehicle without having in effect a valid current license for the business as provided for in Sec. 4-2 through 4-14 of this Code. In addition, no person, partnership, corporation or business entity of any kind shall sell or offer for sale any ice cream, popsicles, ice sherbets or other frozen dessert products of any kind from a motor vehicle without also complying with the terms of this Article. Should any provision of this chapter conflict or be inconsistent with the provisions of this Division, then the provisions of this division shall apply. Said license may be denied for failure to provide the required information, failure to comply with any applicable laws, or evidence of bad character or reputation. (Ord. No. 92-49, § 1 (7-111), 9-21-92)

Sec. 4-146 Definitions.

As used in this Article, the following terms shall have the following meaning, unless the context clearly indicates that a different meaning is intended:

(a) ICE CREAM TRUCK means every motor vehicle in which ice cream, popsicles, ice sherbets or other frozen dessert products of any kind are carried for purposes of retail sale on the City street right-of-way;

(b) VEND or VENDING means offering ice cream, popsicles, ice sherbets or other frozen dessert products for sale from a motor vehicle on the City street right-of-way;

(c) As used in this Division, OPERATOR shall include every person, firm or corporation who owns, leases, contracts or in any other fashion permits a person to operate upon the City street right-of-way any ice cream truck for the purpose of vending as defined in subsections (a) and (b) herein;

(d) PERSON shall include every driver of an ice cream truck and an operator of an ice cream truck, as defined within these definitions;

(e) MOTOR VEHICLE shall mean a vehicle that is self-propelled. (Ord. No. 92-49, § 1 (7-112), 9-21-92)

Sec. 4-147 Duty of Motor Vehicle.

(a) The driver of a motor vehicle meeting or overtaking from either direction an ice cream truck stopped on the street shall stop no less than twenty-five (25) feet from the front or rear of said truck when the flashing lights and stop signal arm described in Section 4-149 are in use. After stopping, a driver may proceed past such truck at a reasonable and prudent speed, not exceeding fifteen (15) miles per hour, and shall yield the right-of-way to any pedestrian who crosses the roadway to or from the ice cream truck.

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(d) A convex mirror mounted on the front so the driver in his normal seating position can see the area in front of the ice cream truck obscured by the hood. (Ord. No. 92-49, § 1 (7-115), 9-21-92)

Sec. 4-150 Vending From Other Than Curb Side Prohibited.

It shall be unlawful to sell or offer for sale any ice cream, popsicles, ice sherbets or other frozen dessert products from an ice cream truck unless it is legally parked, or to sell or offer for sale from other than the curb side of a legally parked ice cream truck. (Ord. No. 92-49, § 1 (7-116), 9-21-92)

Sec. 4-151 Inspection.

Every ice cream truck shall be inspected by the Police Department once each year prior to its use in this City for the purpose of retail sales of frozen dessert products. The Police Department shall inspect each ice cream truck to determine whether it complies with this Ordinance and other state and local laws. The Clerk-Treasurer shall receive notification that each ice cream truck for which a license to operate is to be issued has passed such inspection prior to the approval of said license. (Ord. No. 92-49, § 1 (7-117), 9-21-92)

Sec. 4-152 Restrictions.

(a) A person as defined above shall vend only when the ice cream truck is lawfully stopped.

(b) A person as defined above shall not vend to a person standing in the roadway.

(c) A person as defined above shall not stop on the left side of a one-way street to vend.

(d) The operator of any ice cream truck which traverses the streets of the City for the purpose of vending products as defined in Section 4-146(b) shall submit to the Clerk-Treasurer of the City at the time of the license application a detailed listing of the routes to be travelled each day by its ice cream trucks and a listing of which ice cream trucks may be used in the City.

(e) Each driver of an ice cream truck shall have a valid current operator's license. (Ord. No. 92-49, §1 (7-118), 9-21-92)

Sec. 4-153 Backing of Ice Cream Trucks Restricted.

The driver of an ice cream truck shall not back the same to make or attempt a sale. (Ord. No. 92-49, §1 (7-119), 9-21-92)

§ 4-154 FEES, LICENSES, PERMITS, AND FRANCHISES § 4-157

Sec. 4-154 Stopping for Purposes of Vending in Certain Places and at Certain Times Prohibited.

(a) It shall be unlawful to engage in vending from an ice cream truck between 10:00 p.m. and 6:00 a.m.

(b) It shall be unlawful for the operator of an ice cream truck to stop said vehicle for the purpose of vending upon the following public roadways in the City: South County Line Road, Fry Road, Main Street, Smith Valley Road (including the By-pass), Emerson Avenue, Meridian Street, Madison Avenue, U.S. 31 South, Howard Road, Averitt Road and State Road 135.

(c) It shall be unlawful for the driver or operator of any ice cream truck to stop said vehicle for the purpose of vending or to use any loud speaker, bell or other device giving an audible signal to advertise ice cream, popsicles, ice sherbets or frozen desserts within a distance of one thousand (1,000) feet of any real estate which is then used as part of the school grounds of any public or private grade, middle or junior high school between the hours of 7:00 a.m. and 4:00 p.m. on days when said schools are in session. (Ord. No. 92-49, §1 (7-120), 9-21-92)

Sec. 4-155 Exhibition of License and Fee.

The license issued to an operator and its driver of an ice cream truck shall be posted conspicuously in said vehicle for public inspection. Where an operator has more than one ice cream truck, each driver of each such ice cream truck shall make application for a license. The license fee for one ice cream truck and one driver shall be One Hundred Dollars (\$100.00) for a six (6) month period. The license fee for each additional driver shall be an additional Twenty-Five Dollars (\$25.00) and the license fee for each additional ice cream truck shall be an additional Fifty Dollars (\$50.00). (Ord. No. 92-49, §1 (7-121), 9-21-92)

Sec. 4-156 Penalty.

Any person, firm or corporation violating any provision of this Article shall be fined not less than Five Dollars (\$5.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 92-49, §1 (7-122), 9-21-92)

Sec. 4-157 Reserved for Future Use.